

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA,

Petitioner,

v.

MARIO CRUZ,

Respondent,

§
§
§
§
§
§
§
§
§

Civil Action No. 3-10-CV-1840-L

MOTION TO DISMISS

COMES NOW the United States of America, Petitioner, and moves the Court, pursuant to Rule 41(a)(2), Fed. R. Civ. P., for the entry of an Order of Dismissal in the above-styled and numbered cause for the reason that Mario Cruz, has fully complied with the Internal Revenue summons issued on May 12, 2010.

WHEREFORE, Petitioner prays that this Court dismiss its Petition to Enforce Internal Revenue Service Summons and vacate and set aside the Order to Show Cause heretofore entered herein.

Respectfully submitted,

JAMES T. JACKS,
UNITED STATES ATTORNEY

/s/ Adam L. Flick
ADAM L. FLICK
Special Assistant U.S. Attorney
State Bar No. 24042617
4050 Alpha Rd., MC 2000NDAL
Dallas, Texas 75244
Tel.: (972) 308-7947
Fax: (972) 308-7960
Adam.L.Flick@irsounsel.treas.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Dismiss was served upon Respondent this 6th day of October, 2010, by mailing a copy in the U.S. mail, certified, return receipt requested, addressed as follows:

Mario Cruz
3613 Frankford Rd., Apt. 216
Dallas, Texas 75287

/s/ Adam L. Flick
ADAM L. FLICK
Special Assistant U.S. Attorney